

**Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of December 2, 2014 Meeting**

Present: David DeAngelis-Chair, John Bart, Mark Enander, Lori Lyle, Stephen Kearns, Robert Oster, John Barr, Town Solicitor

Minutes

Motion made by Member Oster to accept the November 2014 Minutes as presented. Motion seconded by Member Bart. Motion carried by all present.

Applications:

Mujeeb Ahmed, 11 West Butterfly Way, Lincoln, RI - Application for Dimensional Variance seeking front setback and height relief for the construction of a new home to be located on Presidential Way, Lincoln, RI.

AP 26, Lot 288 Zoned: RA 40

Represented by: John Shekarchi, Esq., 132 Old River Road, Lincoln, RI

This application represents a request for a Dimensional Variance to construct a new home. The applicant proposes to build a new home closer to the street and taller than 35'. The closest point on the

southwest front corner is 22.0' from the front setback which 40' is required. Therefore the applicant would need 18.0' of front relief on the southwest front closest corner. The closest point on the northwest front corner is 25.61' from the front setback which 40' is required. Therefore the applicant would need 14.39' of front relief on the northwest front closest corner. The building height cannot be accurately calculated with the information supplied. The height is calculated by taking the average of the four sides of the building per section 260-21. The applicant only supplied the dimension from one side which is 44'. If relief is granted using this number then the house could actually be built taller than shown. The method of the calculation was explained to the applicant and their attorney on more than one occasion. The plan meets the lot coverage requirement.

This application was continued from the November 2014 agenda because of calculation issues relative to height relief. Plans attached to the application did not show average grade of property. Engineer for applicant took grading at the site and came up with new request for height relief of 5 feet. The new plan shows grades as follows: Chart depicting height calculations and how relief of 5 feet was determined submitted into the record as Exhibit #2. Chairman asked what exists to the rear of the property lot. Attorney replied neighbor sits 500 feet to the rear of the property. From the street the front of the house is going to have visual impact on the house. Every parcel in this plat is vastly sized and some lots have topographical issues. The average home in the area is two to three stories high. Lot

coverage is not an issue.

No opposition present.

Applicant is second owner of the property which was developed ten to twelve years ago. There are size restrictions on this property.

Chairman read into the record Planning Board/Technical Review Committee recommendation.

Motion made by Chairman to approve Variance seeking 18 feet front relief on the southwest; 14.39 feet front relief on the northwest corner; and five feet height relief on average all four sides for the construction of a new home to be located on Presidential Way, Lincoln, RI. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. The street is a cul de sac and property has wetlands and grade changes.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. Prior action was from previous developer.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln**

Zoning Ordinance or the Lincoln Comprehensive Plan. Other homes consistent with applicants and not out of character.

- The relief requested is the least relief necessary. Reasonable relief in light of the constraints.**
- The hardship amounts to more than a mere inconvenience. Due to wetlands and drastic grade changes.**

Motion seconded by Member Bart. Motion carried by all present.

Motion made by Member Oster to adjourn the meeting. Motion seconded by Member Bart. Motion carried by all present.

Respectfully submitted,

Recording Secretary